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Human resources management

Amendments to the Staff Rules

Report of the Secretary-General

Summary

Consistent with staff regulation 12.3, the present report contains the full text of new rules or amendments to existing rules that the Secretary-General proposes to implement as from 1 January 2005. The report also provides the rationale for those amendments.

The Secretary-General recommends that the General Assembly take note of the amendments to the Staff Rules set out in the annex to the present report.

* A/59/150.

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1. Staff regulation 12.3 provides that the full text of provisional staff rules and amendments should be reported annually to the General Assembly.

2. Unless otherwise indicated, the proposed amendments contained in the annex to the present report will be effective as from 1 January 2005. New or amended text appears in bold.

A. 100 series

3. Rule 106.2 (e), Sick leave during annual leave, is amended to clarify that sick leave during annual leave may only be approved if the period of sickness exceeds five consecutive working days.

4. Rule 107.1, Official travel of staff members, subparagraph (c), is amended to clarify that on separation the Organization will pay the travel expenses of a staff member to the place of home leave if the staff member has a probationary appointment or an appointment of two years or longer or has completed two years of continuous service.

5. Rule 110.4, Due process, subparagraph (d), is amended to reflect that matters pertaining to financial responsibility for gross negligence will be considered by a Joint Disciplinary Committee under rule 110.5, as amended, and to clarify that subsequent appeals shall be submitted directly to the United Nations Administrative Tribunal.

6. Rule 110.5, Joint Disciplinary Committees, is amended to include in the competence of the Joint Disciplinary Committee at Headquarters matters pertaining to financial responsibility for gross negligence.

7. Rule 110.6, Composition of Joint Disciplinary Committees, is amended to specify that when the advice of the Joint Disciplinary Committee at Headquarters is sought in a matter pertaining to financial responsibility for gross negligence, the level of the members constituting the panel should be at least the same as the level of the staff member whose financial responsibility may be engaged.

8. Rule 110.7, Joint Disciplinary Committee procedure, is amended to ensure consistency with rule 110.4, as amended, to implement the decision taken by the General Assembly in its resolution 57/307 of 15 April 2003, and to provide for participation of the Office of Legal Affairs, in an advisory capacity, in matters pertaining to financial responsibility for gross negligence.

B. 200 series

9. Rule 206.3, Sick leave, is amended in a new subparagraph (c) to permit the possibility of granting sick leave to project personnel when sickness of more than five consecutive working days occurs during annual leave; subsequent subparagraphs are renumbered.

C. 300 series

10. Rule 306.2, Sick leave, is amended in a new subparagraph (c) to permit the possibility of granting sick leave to staff members recruited for service of limited duration when sickness of more than five consecutive working days occurs during annual leave; subsequent paragraphs are renumbered.

11. **The Secretary-General recommends that the General Assembly take note of the amended Staff Rules set out in the annex.**

Annex

Text of amendments to the Staff Rules

A. 100 series

Rule 106.2

Sick leave

Sick leave during annual leave

(e) When sickness of **more than five consecutive working days** occurs while a staff member is on annual leave, including home leave, sick leave may be approved subject to appropriate medical certification.

Rule 107.1

Official travel of staff members

(c) Under subparagraph (a) (vi) above, the United Nations shall pay the travel expenses of a staff member to the place of recruitment. **However**, if the staff member had a probationary appointment or an appointment for a period of two years or longer or had completed not less than two years of continuous service, **the United Nations shall pay his or her travel expenses** to the place recognized as his or her home for the purpose of home leave under rule 105.3. Should a staff member, on separation, wish to go to any other place, the travel expenses borne by the United Nations shall not exceed the maximum amount that would have been payable on the basis of return transportation to the place of recruitment or home leave, **as applicable**.

Rule 110.4

Due process

(d) An appeal in respect of a disciplinary measure considered by a Joint Disciplinary Committee pursuant to either paragraph (b) or (c), **or in respect of financial responsibility for gross negligence pursuant to rule 110.5 shall** be submitted directly to the United Nations Administrative Tribunal.

[Amendment scheduled to become effective on 1 August 2004]

Rule 110.5

Joint Disciplinary Committees

(c) **The Joint Disciplinary Committee at Headquarters shall also be available to advise the Secretary-General, at his request, in matters pertaining to financial responsibility for gross negligence.**

[Amendment scheduled to become effective on 1 August 2004]

Rule 110.6

Composition of Joint Disciplinary Committees

(i) When the advice of the Joint Disciplinary Committee at Headquarters is sought in a matter pertaining to financial responsibility for gross negligence, the level of the members constituting the panel shall be at least the same as the level of the staff member whose financial responsibility may be engaged.

[Amendment scheduled to become effective 1 August 2004]

Rule 110.7

Joint Disciplinary Committee procedure

(d) A Joint Disciplinary Committee shall permit a staff member to arrange to have his or her case presented before it by **counsel, at his or her own expense**, at the duty station where the Committee is established.

(e) A representative of the Office of Legal Affairs shall participate in an advisory capacity in the deliberations of the Joint Disciplinary Committee at Headquarters on an ex officio basis when that Committee's advice has been requested in a matter pertaining to financial responsibility for gross negligence.

[Amendment scheduled to become effective 1 August 2004]

B. 200 series

Rule 206.3

Sick leave

Sick leave during annual leave

(c) When sickness of more than five consecutive working days occurs while project personnel are on annual leave, including home leave, sick leave may be approved subject to appropriate medical certification.

C. 300 series

Rule 306.2

Sick leave

(c) When sickness of more than five consecutive working days occurs while staff members recruited for service of limited duration are on annual leave, sick leave may be approved subject to appropriate medical certification.